

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**United States Courts
Southern District of Texas
FILED**

SEP 17 2014

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

vs.

JASON DANIEL GANDY

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CRIMINAL NO. 12-503S

SUPERSEDING CRIMINAL INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Superseding Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2. The term "child pornography", for purposes of this Superseding Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(8)(A), as:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where

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(A) the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct;

3. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2), as any:

"actual or simulated -

- (i) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
- (ii) bestiality; [or]
- (iii) masturbation; [or]
- (iv) sadistic or masochistic abuse; or
- (v) [the] lascivious exhibition of the genitals or pubic area of any person."

4. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and

1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

5. The term "producing" is defined, pursuant to Title 18, United States Code, Section 2256(3), as:

"producing, directing, manufacturing, issuing, publishing or advertising," and includes downloading images from another source, buy using materials, including a computer or parts thereof.

6. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section

2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

COUNT ONE
Transportation of Minors

On or about July 19, 2012, in the Southern District of Texas and elsewhere,

JASON DANIEL GANDY,

defendant herein, knowingly transported K.V., who had not attained the age of 18 years, in interstate commerce and foreign commerce, from the State of Texas to the United Kingdom, with the intent that K.V. engage in prostitution and other sexual activity for which any person could be charged with a criminal offense.

In violation of Title 18, United States Code, Sections 2423(a).

COUNT TWO
Sexual Exploitation of Children

On or between April 1, 2012 and July 18, 2012, within the Southern District of Texas,

JASON DANIEL GANDY,

defendant herein, did attempt to and did employ, use, persuade, induce, entice and coerce a minor, namely K.V., to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means and facility of interstate or foreign commerce, and

the visual depiction was produced using materials that had been mailed, shipped and transported in or affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a) & (e).

COUNT THREE
Transportation of Child Pornography

On or about July 19, 2012, in the Southern District of Texas and elsewhere,

JASON DANIEL GANDY,

defendant herein, knowingly transported any child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means or facility of interstate or foreign commerce.

In violation of Title 18, United States Code, Sections 2252A(a)(1) and (b).

NOTICE OF FORFEITURE
18 U.S.C. § 2428

Pursuant to Title 18, United States Code, Section 2428, the United States gives notice to the defendant that in the event of conviction for the offense charged in Count One of the Superseding Indictment, the following property is subject to forfeiture:

- (1) all property, real and personal, that was used or intended to be used to commit or to facilitate the commission of the offense charged in Count One;
and
- (2) all property, real and personal, constituting or derived from any

proceeds obtained directly or indirectly, as a result of the offense charged in Count One.

NOTICE OF FORFEITURE
18 U.S.C. § 2253(a)

Pursuant to Title 18, United States Code, Section 2253(a)(2) and (a)(3), the United States gives notice to the defendant that in the event of conviction for the offenses charged in Counts Two and Three of the Superseding Indictment, the following property is subject to forfeiture:

- (1) all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in Counts Two and Three; and
- (2) all property, real and personal, used or intended to be used to commit or to promote the commission of the offenses charged in Counts Two and Three, or any property traceable to such property.

Property Subject to Forfeiture:

Defendant is notified that the property subject to forfeiture includes, but is not limited to, the following property:

- (1) the real property, improvements and appurtenances located at Truxillo Street and Dowling Street, Houston, Texas, (Gandy's Residence) and is legally described as:

Lot Eleven (11), in Block Five (5) of Washington Terrace, a subdivision in Harris County, Texas, according to the map or plat

